S.B. CIVIL WRIT PETITION NO.2516/2004

Meetha Lal. Vs. State of Raj. and others.

Date : 5.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Narpat Singh, for the petitioner.

Mr. LR Upadhyay, Dy.GA) for the respondents.
Mr. AK Rajvanshy)

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Heard learned counsel for the parties.

Learned counsel for the petitioner wants to withdraw this writ petition with liberty to file appeal.

In view of this, the present writ petition is dismissed. However, it is made clear that the petitioner will be free to challenge the impugned order dated 29.3.2004 (Annex.6) only if appeal lies against that order.

It is further made clear that since the questions raised in the writ petition cannot be adjudicated without evidence as there are serious disputed questions of facts, therefore, the writ petition is not maintainable. The petitioner will be free to avail any remedy available to him.

Meanwhile, both the parties shall maintain status quo for one week only and thereafter, the stay order shall stand vacated automatically as this Court passed the interim order on 14.6.2004. It is also made clear that

whenever the petitioner approaches that forum, it may decide the prayer for interim relief independent of the orders passed by this Court.

(PRAKASH TATIA), J.

S.Phophaliya